

Jap Generals Wounded

(Associated Press Cable to The Star.)

TOKIO, Dec. 1.—Generals Thuchiya and Nakamura have been wounded in the attack upon Port Arthur.

HEAPS OF RUSSIAN DEAD

Washington, December 1st, 1904.
(Received at 8 a. m.)

To the Japanese Consul-General, Honolulu.

Our Port Arthur beleaguering army reports that the army commenced at dawn on the 30th ultimo bombarding the 203 metre hill which commands the harbor. Our repeated assaults met the enemy's stoutest resistance, but at 8 p. m. we finally succeeded in occupying the whole hill. Heaps of the enemy's corpses were found on the east side. TAKAHIRA.

MINISTERS KICKING IN CHINA.

PEKING, Dec. 1.—The foreign ministers have strongly protested against the levying of additional transit fees by the Chinese government.

PORTUGUESE TRANSPORT IS LOST.

ISLAND OF PERIN, Dec. 1.—The Portuguese transport Saethome was wrecked in the Red Sea. All aboard were saved.

DEATH IN POISONED BRANDY.

KIEFF, Dec. 1.—Twenty people were killed here today by the drinking of poisoned brandy.

FRENCH TO TAKE RUSSIAN LOAN.

PARIS, Dec. 1.—A French syndicate has been organized to take one hundred and sixty millions of the Russian loan in December.

ST. LOUIS EXPOSITION ENDED.

ST. LOUIS, Dec. 1.—The Exposition was closed today.

MEXICO INAUGURATES HER PRESIDENT.

CITY OF MEXICO, Dec. 1.—President Diaz was inaugurated here today for another term.

QUEEN CELEBRATES HER BIRTHDAY.

LONDON, Dec. 1.—Queen Alexandra is today celebrating her sixtieth birthday.

LAWS TO BE RECOMMENDED

CARTER FINDS SOME PECULIARITIES IN LICENSE PROVISIONS—ISLAND DISCRIMINATION.

Governor Carter, in looking over the different laws of Hawaii, in connection with the arrangement of a new system of accounts has run across some curious anomalies.

"I suppose these things crept in during the growth of the country but some of the differences are amusing," said the Governor today. "For instance, if a man owns a sea going boat in Hilo, Lahaina or Honolulu he must pay a license but persons owning boats at other places do not. A person on Oahu who wishes to go hunting must pay a \$5 license, but on the other islands there is no license. A man who drives a wagon or other vehicle for hire must pay a \$2 license on every island except Kauai and so the list goes on."

The governor is receiving many suggestions for needed legislation and among the most important he regards the necessity for the control of pawn-broking establishments. A law to prevent the desertion of the flag is also needed as is one for the appointment of inspectors of prisons.

GERMAN SAILORS WILL ENTERTAIN

CAPTAIN ZENDER AND OFFICERS OF HERZOGIN SOPHIE CHARLOTTE WILL HAVE A RECEPTION.

The German training ship Herzogin Sophie Charlotte will sail Sunday morning for Sydney. Captain Zender and the officers of the vessel will give a farewell reception aboard the vessel, to return the many courtesies shown them during the visit of the vessel in port.

The reception will be on Saturday evening from 8 o'clock until midnight. There will be dancing. The same kind of entertainment will be provided that was given during the last visit of the vessel in Honolulu.

Relief After Six Years—Mrs. M. A. Clark, of Timberrange, N. S. W., Australia, writes: "I wish to inform you of the wonderful benefit I have received from your valuable medicines. I suffered from a severe cough for six years and obtained no relief until I took Chamberlain's Cough Remedy. One bottle cured me and I am thankful to say that I have never had the cough since. Make any use of this letter that you like for the good of any other poor sufferers." For sale by all dealers, Benson Smith & Co., agents for Hawaii.

Mrs. M. Kellie, art studio, corner Hotel and Union streets.

Star Want Ads pay, 25 cents.

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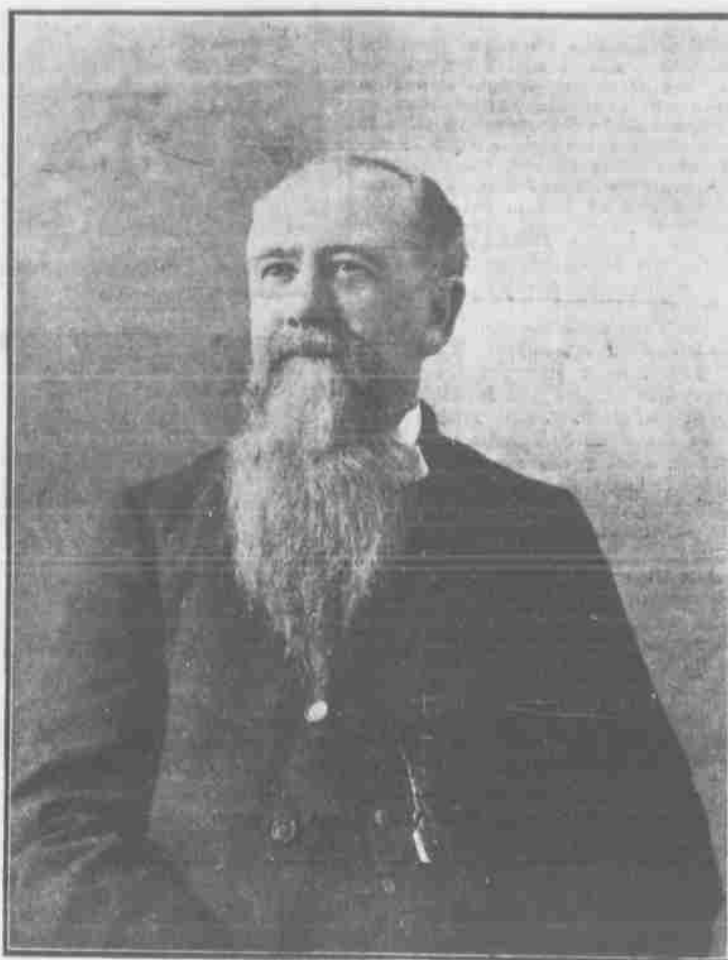
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POSTMASTER OAT'S JOB



POSTMASTER J. M. OAT.

A quiet contest over the position held since annexation by Postmaster J. M. Oat of Honolulu has been going on at Washington for some time. The formal application of J. G. Pratt was sent forward at about the time Pratt himself left here and he has influential backing at the national capital.

The matter was undoubtedly discussed yesterday in Washington when Secretary Atkinson was a guest of President Roosevelt at luncheon. When the secretary left here Governor Carter whose recommendations Roosevelt has always followed in Hawaiian appointments, stated that he had left the matter with the secretary and hoped Atkinson would settle it while he was in Washington. It is believed that both

Carter and Atkinson were opposed to Oat.

Chairman A. G. M. Robertson, who is both National Committeeman and chairman of the Territorial Republican Central committee, and is to be considered in both capacities recently came out openly for Oat, and cabled his recommendations of Oat to Washington. They were cabled at about the time that Atkinson arrived there.

The commission of Oat expires this month and an appointment has been expected for some time. Clarence Crabbe, president of the Hawaiian Senate, has been prominently mentioned for the position for some time and was understood some months ago that he had the support of Governor Carter, though lately such support is said to have ceased.

Mahaulu Case Going To Jury

THE CROSS EXAMINATION OF THE FORMER LAND OFFICE CLERK IN JUDGE GEAR'S COURT THIS MORNING—PROSSER CONTENDS THAT EACH TRANSFER OF FUNDS TO MAKE UP A SHORTAGE CONSTITUTES A SEPARATE EMBEZZLEMENT.

Stephen Mahaulu was the one witness put on the stand in his own behalf by his attorney, Frank Thompson, in the trial before Judge Gear which has been in progress for many days past. He finished his testimony in chief yesterday afternoon and this morning his cross-examination by Assistant Attorney General Prosser was concluded. Counsel went into the matter of preparation of instructions for the jury and the latter was excused until 1:30.

Continuing the cross-examination of the defendant-witness this morning, the Assistant Attorney General took up the matter of the \$225 paid by Mrs. Clarke of Wahiawa which was not entered on the books. Mahaulu asserted that this amount was paid in to the Treasury included in a deposit of \$935 made on July 10. Prosser asked him as to this and the witness re-iterated his statement.

A schedule was produced for the deposit of that date, but Mahaulu could not identify the amount he said was deposited. The statement was in his handwriting and was sworn to by E. S. Boyd, the former Commissioner, who is now under conviction for embezzlement. Pressed by the prosecution Mahaulu said that the statement was false and that he knew it was false. He prepared it at Boyd's instance, and Boyd knew that it was false when he swore to its correctness. This was true of every statement filed. They were all false as they were manipulated.

Prosser introduced a schedule dated March 10, 1904, which was signed and sworn to by Mahaulu himself, but Thompson at once objected on the ground that the date was not included in the time mentioned in the indictment. His honor sustained the objection.

The second count in the indictment, that of embezzling the \$4500 paid in by the Wahiawa Company was then taken up. A check for \$4496 paid by the Ho-

nokaa Company was produced. It was endorsed by Mahaulu and as he admitted had been cashed by him, but no entry of it could be found in the receipt stubs or in the cash book. This, the witness explained, was because it had been used to cover up the former defalcation of the Wahiawa payment. He had paid the money to cover up the money which Boyd had previously taken.

Counsel for the prosecution and for the defence came to a deadlock over the question of just how a person's culpability lay in the covering up process, that is to say, in the paying off of one month's defalcations from the proceeds of another. The prosecution took the position that each successive operation was an embezzlement and quoted Iowa decisions to bear him out. Thompson for the defence produced a Massachusetts decision in exact opposition.

The court ruled in favor of the defence. Only one stealing had been committed in this particular case, his honor observed. If the first money had been taken by Boyd and this had been covered up by another proceeding, there had only been the one sum stolen after all. He therefore inclined to the Massachusetts ruling.

Upon this decision the Assistant Attorney General abruptly closed his examination and counsel for the defence announced that he had no further evidence to offer.

A general denial that he had ever taken a cent of the Territory's money, and statement that E. S. Boyd, formerly Land Commissioner, had applied the missing funds to his own uses, was the evidence given by Stephen Mahaulu when on the stand yesterday. He admitted that he was well aware of the shortages from before the time that he had been made sub-agent, and that he had never informed anyone in

PACIFIC CLUB MUST PAY LIQUOR LICENSE

ATTORNEY GENERAL ANDREWS RENDERS AN OPINION FOR GOVERNOR CARTER, HOLDING THAT THE CLUB'S METHOD OF DISPENSING LIQUORS BRINGS IT WITHIN THE LEGAL PROVISION CALLING FOR THOUSAND DOLLAR TAX PER YEAR.

The Pacific Club must pay a liquor license a thousand dollars a year, the same as regular saloons, if it wants to supply members with liquor. This is the result of an opinion given to the governor by Attorney General Andrews today. The opinion will be enforced but a test case may be made of the matter. The opinion sets forth reasons as follows:

"Section 444 of the Penal Laws provides that any person other than an agent or servant of a person thereto licensed, who shall sell or dispose of any spirituous liquor within the Territory or shall cause or authorize therein any spirituous liquor to be sold or disposed of by any person employed, hired or engaged for such purpose without being therein authorized by license, as in this Act provided, shall be punished by fine and imprisonment as set forth in the statute. There is no question that under this definition a club is a person.

"The Pacific Club is a bona fide organization, incorporated for the purpose of promoting friendship and mutual exchange of opinions among its members and providing a place for the reception of strangers, travelers and residents of the Territory."

"It is admitted that the purpose of the Club is not to sell liquor for gain to its members or to others; it is also admitted that it does, as a club, buy spirituous liquor and sell the same to its members without having obtained any of the licenses required by the laws of the Territory, necessary to allow the sale of intoxicating and spirituous liquor."

"The question contained in your request for an opinion resolves itself into whether under our laws a bona fide club can sell liquor to its members without obtaining a license therefor. This question has received the attention of the courts of almost all the States and Territories, but a hopeless conflict of opinion has been the result of the various decisions."

"The following courts have held that

no license was necessary: Montana, Massachusetts, Tennessee, Missouri, Texas, Pennsylvania, New York and South Carolina; while Alabama, Michigan, Maryland, New Jersey, Kentucky, North Carolina, Illinois and Louisiana have held to the contrary.

"In view of this conflict of opinion, I do not believe that it would be proper for the Government to allow the practice which has so long obtained, in permitting this club and others to continue to sell spirituous liquor, without a decision from the Supreme Court as to what view the Territory of Hawaii will take of this important question."

"Our statute is clear and unmistakable in its terms; the language is imperative, and to quote from the case of North Carolina vs. Nels:

"The fact specially found that the membership of the club is composed of gentlemen of the highest social standing does not throw any light upon the transaction, except that it may be reasonably supposed that they have no desire to evade the law, and by this proceeding wish merely to procure a construction as to the legal nature of this transaction. No set of men have any special privileges under our Constitution, and the parties interested must pay a license tax if other citizens pay it, and be prohibited altogether when others are prohibited. Nor can it make any difference that no profit was intended to be realized, but that as near as possible the drinks are to be furnished at cost. Profit is not a necessary ingredient of a sale. Indeed, many sales are made at a loss."

"The Government of the Territory must uphold the laws upon the statute books, and in order to protect its licensed saloon-keepers, as well as to enforce the laws fairly and impartially, I believe that the Pacific Club should be prohibited from selling liquor without obtaining a license therefor, until a case can be presented to the Supreme Court and the matter passed upon."

"Very respectfully,

(Signed) 'LORRIN ANDREWS,

Attorney General."

ENLARGE GROUNDS WAIKIKI INN CLOSED

An application from A. T. Atkinson, Superintendent of Public Instruction, for more land at the old Quarry lot on the corner of Hackfeld and Quarry streets for Normal school purposes was listened to favorably by Governor Carter and the Superintendent of Public Works this morning. The front of the lot there had been originally intended for the new school but it was decided that the rear lots should also be included for the purpose of making a garden for purposes of demonstrations in botany.

1905 WASH MATERIALS.

Handsome new patterns direct from the mills in mercerized figured madras, percales, mercerized figured oxfords, wash velvets, ginghams, etc., at N. S. Sachs Dry Goods Co.

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The Twenty-Ninth Series of Stock in the Pioneer Building & Loan Association will be issued in July, 1904, and is now open for subscription. The membership fee is fifty cents per share, and the monthly dues are one dollar per month or share. The stock draws much better interest than a savings bank.

Further information can be obtained from A. V. Gear, Secretary, 122 King street.

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The Waikiki Inn closed its doors this morning. The well known beach resort was unable apparently to earn a profit for its owners so the establishment was shut up. What arrangements will be made to reopen the place can not be stated at this time. The Inn was formerly one of the best, paying of the beach places but in recent years has not been such a money maker as formerly.

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